

04-04-08 08:42am From-Baum Sigman

9122360241

T-180 P.002/004 F-272

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IRON WORKERS' MID-AMERICA
PENSION PLAN, *et al.*,

Plaintiffs,

vs.

WINDY CITY IRON WORKS, INC.,
an Illinois corporation,

Defendant.

CIVIL ACTION

NO. 08 C 0446

JUDGE CHARLES R. NORGLE

AFFIDAVIT

STATE OF ILLINOIS)

COUNTY OF COOK)

SS

FAX

APR - 4 2008

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JOSEPH J. BURKE, first being duly sworn upon his oath, deposes and says:

1. I am now, and at all relevant times, have been employed by the Trustees of the Iron Workers' Mid-America Pension Plan and Iron Workers' Mid-America Supplemental Monthly Annuity (SMA) Fund, as Administrative Manager, and in such capacity, I have personal knowledge of the matters hereinafter set forth and if called as a witness in the instant proceedings I am competent to testify in respect thereto.

2. Among my responsibilities and duties, I am charged with keeping and maintaining records of contributions received by the Plaintiffs from participating employers, maintain individual records on each person, firm, and corporation required to make contributions to the Plaintiffs Funds, receive and record contributions reports made by such persons, firms or corporations, and have under

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my supervision and direction all books, records, documents and papers relating to such Plaintiffs Funds, and have been delegated the authority by all other Plaintiffs to coordinate and supervise the recovery of delinquent employer contributions on their behalf, receiving thereby access to all necessary information.

3. That he has examined the account of Defendant, WINDY CITY IRON WORKS, INC., an Illinois corporation, in the above-entitled action, and states that said, Defendant:

- a. Is required to submit monthly contribution reports accompanied by payment of fringe benefit contributions, under the terms of a written agreement specifying and describing such obligation;
- b. Has failed to submit to Plaintiffs the monthly contribution reports and contributions required of it, or all of them, despite repeated notification from his office to said Defendant of such delinquency.

4. Because of the Defendant's failure to submit the required monthly contribution reports for August 2007 through the present date, Affiant is unable to determine the amounts, if any, that may be due and owing to Plaintiffs.

5. That he is duly authorized by Plaintiffs in the making of this Affidavit, has personal knowledge of the matters set forth above, and if called as a witness is competent to testify thereto.

6. That he makes this Affidavit in support of the application of Plaintiffs for entry of default and for an order requiring Defendant to turn over its required monthly fringe benefit contribution reports for August 2007 through the present date and requests that this Court consider it as proof in support of the allegations contained in the Complaint and such other facts as herein set forth.

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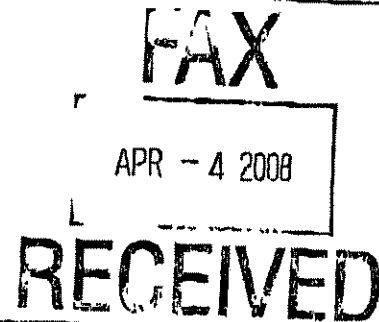
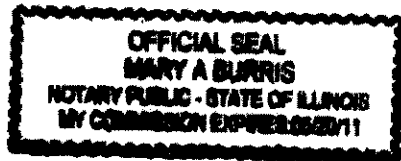
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FURTHER AFFIANT SAYETH NOT.


JOSEPH J. BURKE

SUBSCRIBED AND SWORN to
before me this 4th
day of April 2008.


NOTARY PUBLIC



CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of Joseph J. Burke) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 11th day of April 2008:

Mr. Vladimir Nahalka, Registered Agent/President
Windy City Iron Works, Inc.
7037 N. Hiawatha
Chicago, IL 60646

/s/ Jennifer L. Dunitz-Geiringer

Jennifer L. Dunitz-Geiringer
Attorney for Plaintiffs
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